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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/459,670	12/13/1999	MARK T JEFFREY	200868	1464

7590 05/26/2004

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EXAMINER	
MOLINARI, MICHAEL J	

ART UNIT	PAPER NUMBER
2665	16

DATE MAILED: 05/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/459,670	JEFFREY ET AL.	
	Examiner	Art Unit	
	Michael J Molinari	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19,22-27,31,32 and 35-40* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19,22-27,31,32,35-38 and 40* is/are rejected.

7)☒ Claim(s) *39* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 19, 22-27, 31, 32, 35-38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burwell et al. (U.S. Patent No. 5,818,842) in view of McDysan et al. ("ATM Theory and Applications"), further in view of Kato (U.S. Patent Application US 2003/0043791).

3. Referring to claim 19, Burwell et al. disclose a method for a host computer communicatively linked to a local area network and a virtual circuit network to handle communications between a first device on the local area network and a second device on the virtual circuit network, the method comprising the steps of: receiving a request from the first device for a virtual circuit connection with the second device (see column 7, lines 24-34 and column 8, lines 40-43) and teaches setting up the ATM circuit (see column 8, lines 37-43). Burwell et al. differ from claim 19 in that they fail to disclose the remaining details concerning call setup in an ATM network. However, call setup in ATM networks is well known in the art. For example, McDysan et al. teach a method of performing ATM call setup, including generating a call reference value for the request (see Table 15.3, page 407); inserting the call reference value into the request (see Table 15.3); sending the request to the second device (see page 409, Figure 15.1); receiving a virtual circuit response from the second device (see page 409,

Figure 15.1), wherein the virtual circuit response contains a virtual circuit identification assigned for the virtual circuit connection and the call reference value (see pages 406-407 and 409, Table 15.3 and Figure 15.1); and sending the virtual circuit response to the first device (see page 409, Figure 15.1), which has the advantage of being the conventional method of performing call setup in an ATM network. One skilled in the art would have recognized the advantage of the ATM call setup method taught by McDysan et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the ATM call setup method of McDysan et al. into the system of Burwell et al. to achieve the advantage of performing the conventional method of ATM call setup. Burwell et al. further differ from claim 19 in that they fail to disclose storing correlations between the network address of the first device and the call reference value and between the virtual circuit identification and the network address of the first device as an entry in a table. However, such a table is well known in the art. For example, Kato teaches the use of a table (Connection Correspondence Table, see Figure 9, #212), which stores correlations between the network address of the first device and the call reference value (see paragraph 0166) and between the virtual circuit identification and the network address of the first device (see paragraph 0166), which has the advantage of facilitating setup of the virtual circuit. One skilled in the art would have recognized the advantage of a table as taught by Kato et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the table of Kato into the system of Burwell et al. to achieve the advantage of facilitating setup of the virtual circuit.

4. Referring to claim 22, McDysan et al. disclose the step of transmitting data between the first device and the second device using the virtual circuit identification as being conventional (see pages 406-407 and 409, Table 15.3 and Figure 15.1).

5. Referring to claim 23, Burwell et al. disclose that the virtual circuit network is an ATM network (see Abstract).

6. Referring to claim 24, Burwell et al. disclose a host computer for transmitting data between a first device on a local area network and a second device on a virtual circuit network (see column 7, lines 29-34) comprising: a network program extracting a virtual circuit message from a device message (see column 8, lines 25-31), and teaches setting up the ATM circuit (see column 8, lines 37-43). Burwell et al. differ from claim 24 in that they fail to disclose the remaining details concerning call setup in an ATM network. However, call setup in ATM networks is well known in the art. For example, McDysan et al. teach a method of performing ATM call setup, including that the virtual circuit message includes a call reference value and a virtual circuit identification assigned to the first device for a virtual circuit connection with the second device (Connection Identifier, see pages 406-407 and see Table 15.3); and a packet switching program passing data between the first device and the second device (see pages 406-407 and 409, Table 15.3 and Figure 15.1) which has the advantage of being the conventional method of performing call setup in an ATM network. One skilled in the art would have recognized the advantage of the ATM call setup method taught by McDysan et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the ATM call setup method of McDysan et al. into the system of Burwell et al. to achieve the advantage of performing the conventional method of ATM call setup. Burwell et al.

further differ from claim 24 in that they fail to disclose storing correlations between the network address of the first device and the call reference value and between the virtual circuit identification and the network address of the first device as an entry in a table. However, such a table is well known in the art. For example, Kato teaches the use of a table (Connection Correspondence Table, see Figure 9, #212), which stores correlations between the network address of the first device and the call reference value (see paragraph 0166) and between the virtual circuit identification and the network address of the first device (see paragraph 0166), which has the advantage of facilitating setup of the virtual circuit. One skilled in the art would have recognized the advantage of a table as taught by Kato et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the table of Kato into the system of Burwell et al. to achieve the advantage of facilitating setup of the virtual circuit.

7. Referring to claim 25, Burwell et al. disclose a call deflector table storing the second correlation (see column 12, lines 24-28).

8. Referring to claim 26, Burwell et al. disclose a bus driver extracting the device message from a bus-specific message, and passing the device message to the network program (see column 3, lines 26-28 and column 9, lines 7-15).

9. Referring to claim 27, Burwell et al. disclose that the network program determines the network address of the first device from the request (see column 7, lines 44-67 and column 8, lines 1-37).

10. Referring to claim 31, Burwell et al. disclose that the virtual circuit network is an ATM network (see Abstract).

11. Referring to claim 32, Burwell et al. disclose a computer-readable medium having computer-executable instructions for a host computer communicatively linked to a local area network and a virtual circuit network to handle communications to perform steps comprising: receiving a request from a first device on the local area network for a virtual circuit connection with a second device on the virtual circuit network (see column 7, lines 24-34 and column 8, lines 40-43) and teaches setting up the ATM circuit (see column 8, lines 37-43). Burwell et al. differ from claim 32 in that they fail to disclose the remaining details concerning call setup in an ATM network. However, call setup in ATM networks is well known in the art. For example, McDysan et al. teach a method of performing ATM call setup including sending the request to the second device (see page 409, Figure 15.1); inserting the call reference value into the request; receiving a virtual circuit response from the second device (see page 409, Figure 15.1), wherein the virtual circuit response contains a virtual circuit identification assigned for the virtual circuit connection and the call reference value (see pages 406-407 and 409, Table 15.3 and Figure 15.1); and sending the virtual circuit response to the first device (see page 409, Figure 15.1), which has the advantage of being the conventional method of performing call setup in an ATM network. One skilled in the art would have recognized the advantage of the ATM call setup method taught by McDysan et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the ATM call setup method of McDysan et al. into the system of Burwell et al. to achieve the advantage of performing the conventional method of ATM call setup. Burwell et al. further differ from claim 32 in that they fail to disclose storing correlations between the network address of the first device and the call reference value and between the virtual circuit identification and the network address of the first device as an entry in

a table. However, such a table is well known in the art. For example, Kato teaches the use of a table (Connection Correspondence Table, see Figure 9, #212), which stores correlations between the network address of the first device and the call reference value (see paragraph 0166) and between the virtual circuit identification and the network address of the first device (see paragraph 0166), which has the advantage of facilitating setup of the virtual circuit. One skilled in the art would have recognized the advantage of a table as taught by Kato et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the table of Kato into the system of Burwell et al. to achieve the advantage of facilitating setup of the virtual circuit.

12. Referring to claim 35, McDysan et al. disclose performing the step comprising transmitting data between the first device and the second device using the virtual circuit identification (see pages 406-407 and 409, Table 15.3 and Figure 15.1).

13. Referring to claim 36, Burwell et al. disclose that the virtual circuit network is an ATM network (see Abstract).

14. Referring to claim 37, Burwell et al. disclose a method for a host computer communicatively linked to a local area network (LAN) and a virtual circuit network to handle communications between a LAN device and a virtual circuit interface device, the method comprising the steps of: intercepting a request sent to the virtual circuit interface device from the LAN device (see column 7, lines 24-34 and column 8, lines 40-43); extracting a network address of the LAN device from the request (see column 7, lines 35-43); forwarding the request to the virtual circuit interface device (see column 8, lines 43-46); and teaches setting up the ATM circuit (see column 8, lines 37-43). Burwell et al. differ from claim 37 in that they fail to

disclose the remaining details of call setup in an ATM network. However, call setup in an ATM network is old and well known in the art. For example, Dysan teaches a standard method of performing call setup in an ATM network including receiving a virtual circuit response from a virtual circuit device through the virtual circuit interface device, the response including a virtual circuit identifier assigned to a virtual circuit connection (see page 409, Figure 15.1 and see pages 406-407 and 409, Table 15.3 and 15.1); and forwarding the response to the LAN device (see page 409, Figure 15.1). Burwell et al. further differ from claim 37 in that they fail to disclose storing a correlation between the virtual circuit identification and the network address of the first device as an entry in a table. However, such a table is well known in the art. For example, Kato teaches the use of a table (Connection Correspondence Table, see Figure 9, #212), which stores a correlation between the virtual circuit identification and the network address of the first device (see paragraph 0166), which has the advantage of facilitating setup of the virtual circuit. One skilled in the art would have recognized the advantage of a table as taught by Kato et al. Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the table of Kato into the system of Burwell et al. to achieve the advantage of facilitating setup of the virtual circuit.

15. Referring to claim 38, Kato discloses mediating communication on the virtual circuit connection using the correlation stored in the table (see paragraph 0153).

16. Referring to claim 40, Burwell et al. disclose that the host computer appears as the virtual circuit interface device to the LAN device (see Figures 1 and 2).

Allowable Subject Matter

17. Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

18. Applicant's arguments with respect to claims 19, 22-27, 31, 32, 35, and 36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. U.S. Patent Application Publication US 2003/0200315 to Goldenberg et al. teaches the use of RNDIS in networking applications.

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742. The examiner can normally be reached on Monday-Thursday 8am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MJM

Michael Joseph Molinari

DUC HO
PRIMARY EXAMINER

5-19-04